

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**City of Chicago Heights
1601 Chicago Road
Chicago Heights, Illinois 60411**

ATTENTION:

**David A. Gonzalez
Mayor
dgonzalez@chicagoheights.net**

Request to Provide Information Pursuant to the Clean Water Act

The U.S. Environmental Protection Agency is requiring the City of Chicago Heights (City or you) to submit additional information about the separate storm sewer collection system the City owns and operates. This request follows up on an information request EPA issued to the City on June 4, 2021 that was not fully addressed in the City's August 3, 2021 response.

Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Flatebo.Ted@epa.gov, explaining the specific impacts on your ability to respond.

We are issuing this information request under Section 308(a) of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out an objective of the Act, the Administrator of EPA shall require the owner or operator of any point source to: establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as the Administrator may reasonably require.

The City owns and operates a point source in Chicago Heights, Illinois. We are requesting this information to determine whether this source is complying with the CWA.

The City must send all required information to R5WECA@epa.gov and to Flatebo.Ted@epa.gov. If, for some reason, materials cannot be transmitted electronically, submissions can be sent to:

Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 5
Attn: Ted Flatebo, ECW-15J
77 W. Jackson Boulevard
Chicago, Illinois 60604

The City must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

As explained more fully in Appendix A, the City may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information submitted to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If the City does not assert a business confidentiality claim when submitting the information, EPA may make this information available to the public without further notice. The City should be aware, however, that pursuant to Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. § 2.302(e), effluent data, standards, and limitations are not eligible for confidential treatment.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B). We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject the City to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001 and 1341.

You should direct any questions about this information request to Ted Flatebo at 312-886-9402 or Flatebo.Ted@epa.gov, or your legal counsel may contact Maria Gonzalez, attorney, at Gonzalez.Maria@epa.gov or 312-886-6630.

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

(Signature and Date)

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Confidential Business Information and Personally Identifiable Information Notice

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at 40 C.F.R. Part 2. Please clearly identify portions of otherwise non-confidential documents that you are claiming as confidential. Failure to furnish a confidentiality claim with your response to the information request may result in the information being made available to the public without further notice to you. EPA’s

confidential business information (CBI) regulations are at 40 C.F.R. Part 2, Subpart B (sections 2.201-2.311). See <https://www.ecfr.gov>.

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as “Personal Privacy Information.” Disclosure of such information to the general public may constitute an invasion of privacy.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 5, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide a table of contents for the electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.*
4. Please provide documents claimed as CBI in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as CBI.
5. Certify that all electronic submittals including attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. § 1251 *et seq.*, or 40 C.F.R. Part 122.

1. “Act” or “CWA” means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
2. “Bypass” as that term is defined in 40 C.F.R. § 122.41(m) means the intentional diversion of waste streams from any portion of a treatment facility.

3. "Collection System" shall mean all portions of the sewer system which collect and convey sanitary and/or combined sewerage for treatment to the regional wastewater treatment plant.
4. The "2012 Compliance Order" means the Administrative Compliance Order (Document No. V-W-12-AO-26) EPA Region 5 issued the City dated September 21, 2012.
5. "Day" or "days" means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
6. "Discharge of a pollutant," as defined in Section 502(12) of the CWA, means *inter alia*, "any addition of any pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12).
7. "MGD" means millions of gallons per day.
8. "Municipal separate storm sewer system" or "MS4" is defined at 40 C.F.R § 122.26(b)(8) and includes:

a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city...or other public body (created by or pursuant to State law) having jurisdiction over disposal of ... storm water
9. "Navigable waters," as defined in Section 502(7) of the CWA, means "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7).
10. "Point Source" as defined in Section 502(14) of the CWA, means, "any discernible confined and discrete conveyance...from which pollutant are or may be discharged. 33 U.S.C. § 1362(14).
11. "Outfall" means a type of "point source," as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serves as a discharge point from the facility.
12. "Pollutant," as defined in Section 502(6) of the CEA, means "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water." 33 U.S.C § 1362(6).
13. "Record" or "records" means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.

14. “Sanitary Sewer” shall mean a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally (40 CFR 35.2005 (37)).
15. “Sanitary Sewer Overflow” or “SSO” shall mean an overflow, spill, diversion, or release of wastewater from or caused by a Sanitary Sewer System. This term shall include: (i) discharges to waters of the State or United States from the Sanitary Sewer System; and (ii) any release of wastewater from the Sanitary Sewer System to public or private property that does not reach waters of the United States or the State, including building/property backups.
16. “Sanitary Sewer System” shall mean all portions of the sewer system (including all pipes, force mains, gravity sewer segments, overflow structures, regulators, pump stations, lift stations, manholes, and components thereof), designed and constructed to collect and convey only sewage, and not storm water, from residences, commercial buildings, industrial plants, and institutions for treatment at a regional wastewater treatment plant.
17. “Storm water” shall mean storm water runoff, snow melt runoff, surface runoff and drainage.
18. “Wastewater” shall mean any water/liquid and all material conveyed with that water/liquid that contains process wastewater, discarded material, noncontact cooling and/or heating water, or domestic wastewater.
19. “Wastewater Treatment Plant” shall mean the regional wastewater treatment plant operated by the Thorn Creek Basin Sanitary District Wastewater Treatment Plant (NPDES Permit # IL0027723), and located at 700 West End Avenue, Chicago Heights, IL 60411 and all components of such sewage treatment plant.
20. “You” or “Your” for purposes of this Information Request refers to the City of Chicago Heights and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of the City.

Appendix B

Information You Are Required to Submit to EPA

You must submit the following information pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a):

1. Describe the organizational structure of the City, including names and titles of managers and directors, and the number of staff working on wastewater operations. Include if the staff members work full time for the sewer department or if they split their time between multiple city departments. EPA also requested this information at request number 2 of its June 4, 2021 Information Request; but the City's August 3, 2021 response did not provide information indicating whether staff members work full time or if they split their time between multiple city departments.¹
2. Provide copies of all sanitary sewer-related complaint records (including basement backups and SSOs), complaint summaries, and complaint call records from January 1, 2016 to present. Please provide in an Excel format if possible. EPA also requested this information at request number 3 of its June 4, 2021 Information Request; but the City's August 3, 2021 response did not provide complaint logs, complaint summaries or complaint call records. Please include exports from your Cartograph complaint software for the timeframe requested.
3. Provide copies of all sanitary and storm sewer-related work orders, service orders, and reports from January 1, 2016 to present. Please provide in an Excel format if possible. EPA also requested this information at request number 4 of its June 4, 2021 Information Request; but the City's August 3, 2021 response did not provide any work orders from June 22, 2020 to the present.
4. Provide a definition for the following terms as they are used on the City's detailed work order reports:
 - a. Backup;
 - b. Blockage;
 - c. Bypass;

¹ This request provides the City some input on how the City's August 3, 2021 response did not fully address the questions in EPA's June 4, 2021 Information Request, though there may be additional information requested that lacks a full response and EPA reserves its rights under Section 308 and its information requests. While it can refer to information it provided earlier, the City must comply fully with both the June 4, 2021 Information Request and this Information Request.

d. Sanitary Sewer Overflow;

e. WWR.

EPA also requested this information at request number 4 of its June 4, 2021 Information Request; but definitions in the City's August 3, 2021 response provided were general. Please indicate if the definitions in that response are the definitions the City uses for its work reports, provide any additional and/or more detailed definitions the City uses for those terms, and include any documents (e.g. documents listing definitions, ordinances) that indicate the City's definitions of those terms. Please also explain how staff differentiate a blockage from a backup? Does wastewater recovery mean water has exited the sanitary sewer collection system?

5. Provide copies of the following documents required by the 2012 Compliance Order:

- f. Copies of your quarterly SSO and property back up logs, including all the information required by Paragraph 53b of the 2012 Compliance Order, itemized below, from January 1, 2016 to present. To the extent that any item listed in Paragraph 53b of the 2012 Compliance Order was not reasonably ascertainable by the City when preparing the SSO/property backup summaries, the City must report its best estimate for such information and explain the basis for its estimate.

Information required by Paragraph 53b of the 2012 Compliance Order:

- i. Dates on which the SSO/property backup occurred;
- ii. Locations of the SSO/property backup;
- iii. Reasons why the SSO/property backup occurred (i.e. wet weather rainfall event);
- iv. Estimated volume of SSO/property backup water which exited the separate sanitary sewer system;
- v. Responsibility of the SSO/property backup (applicable in the event of a property backup);
- vi. Methods used to remove backup water from the property;
- vii. Measures used to mitigate environmental harm if SSO/property backup water is untreated;
- viii. Action taken to mitigate future SSO/property backups.

The 2012 Compliance Order requires the City to submit this information and EPA also requested this information at request number 6.f. of its June 4, 2021 Information Request; but EPA has not received copies of the Quarterly SSO summary reports for periods from the third quarter of 2016 to the present. Please indicate whether the City issued summary reports after that quarter and provide any summary reports for all quarters from the third quarter of 2016 to the present. To the extent that any item listed in Paragraph 53b of the 2012 Compliance Order was not included in SSO reports submitted, provide the City's best estimate for such information and explain the basis for its estimate.

6. Provide a copy of your Municipal Separate Storm Sewer System (MS4) application to renew your permit which expired February 28, 2021. Has the City submitted an application to review their permit? If an application has not been submitted, explain why. EPA also requested this information at request number 10 of its June 4, 2021 Information Request. The City's August 3, 2021 response said "CBBEL is working on preparing the MS4 and will submit a copy when completed." The response did not explain why the City had not previously submitted an application. Indicate whether the City previously applied for renewal of the MS4 permit that expired on February 28, 2021, including the date of the application, provide any renewal applications the City submitted, and provide an explanation if the City did not submit an application prior to February 28, 2021, to renew that MS4 permit.
7. Provide a list of all the preventative maintenance work conducted on the sanitary and storm sewer the City has completed from September 1, 2017 to present. This information should be broken down by year, include the number of feet and percentage of the collection system completed, and at minimum include the following types of preventative maintenance:
 - a. Televised;
 - b. Jetted;
 - c. Smoke Tested;
 - d. Relined;
 - e. Replaced;
 - f. Dye Tested;
 - g. Newly Constructed (i.e in addition to the 138 miles of sewer the City had in 2012).

EPA also requested this information in request number 13 of its June 4, 2021 Information Request. Please provide a summary of the preventative maintenance work on the sanitary and storm sewer the City completed, for the categories above.

8. Provide an update of any work completed under the SSO Outfall Elimination Plan or CMOM from September 1, 2017 to present. EPA also requested this information at request number 18 of its June 4, 2021 Information Request. The City's August 3, 2021 response did not provide details on the work completed at Saratoga Farms (i.e. how many feet of sewer were televised, how many feet were cleaned, how much did this project cost).
9. Provide a summary of all sewer-related action including enforcement action the City has taken. This can include items such as eliminating cross connections, clear water sources, sump pumps, etc. EPA requested this information at request number 19 of its June 4, 2021 Information Request. The City's August 3, 2021 response indicated the City has a 50/50 sewer program that residents have participated in. Please indicate whether the City has taken any other sewer-related actions and summarize all sewer related action the City has taken. With respect to the 50/50 program, describe that program and identify the number of residents that participated in that program per year from 2016 to present.
10. Provide a copy of the Westside Neighborhood Drainage Improvement project completion report. EPA also requested this information at request number 20 of its June 4, 2021 Information Request. The City's August 3, 2021 response, at Appendix 12, provided a number of charts, maps and diagrams marked "FOR CONSTRUCTION." Indicate whether the City completed this project and provide any completion report. Please provide any additional documentation on this project and indicate the completion date or, if not completed, the estimated completion date for this project.
11. Provide a summary of sanitary sewer and storm sewer related services that are performed by contractors. Include the name of the contractor, the type of service provided, the time-period or dollar amount the contract was for, and if the contract is open or has been fulfilled. EPA also requested this information at request number 21 of its June 4, 2021 Information Request. The City's August 3, 2021 response provided a summary table, but we are requesting greater detail in the description of type of service provided, and whether the contracts are still open or have been fulfilled.
12. Summarize all instances from January 1, 2016 to present where any sanitary wastewater entered a stream, river, wetland, or storm drain. EPA also requested this information at request number 24 of its June 4, 2021 Information Request; but the City's August 3, 2021 referred to Appendix 3, which did not appear to provide the summaries requested. Indicate whether there were instances from January 1, 2016 to the present where any sanitary wastewater entered a stream, river, wetland, or storm drain, and provide a summary of all applicable events in the given timeframe.
13. The information in Appendix 7 of the City's August 3, 2021 response indicates that between 2018 and 2020 the City transferred a total of \$2,250,000 from the Sewer department to a Capital Fund. Please provide a description of projects that were paid for using money out of the Capital Fund, the amount the projects cost, and a timeline of those projects.

14. The information in Appendix 7 of the City's August 3, 2021 response indicate that the Water and Sewer departments had a collective surplus of \$974,191 and \$1,974,012 in 2019 and 2020, respectively. Please provide detailed accounting information for where these funds were allocated. Did the funds stay within the Water and Sewer departments or were they used by other City departments?
15. Please provide detailed accounting of the payments made by the City to Thorn Creek Basin Sanitary District (TCBSD) for wastewater treatment from June 1, 2016 to present.